

DIVISION

DCP/RLC
307



2004 SEP -2 PM 12: 54

MS 16
PATENT
4867-0101PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Chau-Jong WANG

Appl. No.: 09/989,490

Group: 1654

Filed: November 21, 2001

Examiner: M.V. Meller

For: METHOD TO COUNTER OXIDATION OF LDL,
DECREASE TRIGLYCERIDE OR CHLESTEROL AND
INHIBIT ATHEROSCLEROSIS USING HIBISCUS
SABDARIFFA EXTRACT

ATTENTION: Refund Section
Accounting Division
OFFICE OF FINANCE

REQUEST FOR A REFUND
(Improper Fees Paid - Small Entity Previously Established)

MS 16
Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

AUG 27 2004

Sir:

The following documentation and remarks are respectfully
submitted in connection with the above-identified application.

DOCUMENTATION

Attached hereto is:

- ☒ a written assertion of small entity status; and/or
☐ a copy of an executed Statement Claiming Small Entity
Status (37 C.F.R. § 1.9(f) and 1.27()) - filed on .

BEST AVAILABLE COPY

2004 SEP -2 PM 12: 54

Appl. No. 09/989,490

REMARKS

Pursuant to 37 C.F.R. § 1.28(a), applicants hereby request a refund of 50% of the three-month extension and Notice of Appeal fees paid on May 28, 2004 and the RCE filing fee paid on July 28, 2004.

Under 37 C.F.R. § 1.26(b), any request for a refund which is not based upon subsequent entitlement to small entity status must be filed with a two-year nonextendable time limit.

The three-month extension and Notice of Appeal fees in the amount of \$1280.00 were paid on May 28, 2004. It is respectfully requested that the excess fee of \$640.00 be credited to Deposit Account No. 02-2448.

The RCE filing fee in the amount of \$770.00 was paid on July 28, 2004. It is respectfully requested that the excess fee of \$385.00 be credited to Deposit Account No. 02-2448.

Thus, Applicants request that a total excess fees amount of \$1,025.00 be credited to Deposit Account No. 02-2448.

Favorable action on the present Request is respectfully requested.

2004 SEP -2 PM 12:54

Appl. No. 09/989,490

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Joe McKinney Muncy (RD 4006)
Joe McKinney Muncy, #32,334

KM/MAA/csm
4867-0101PUS1

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)

(Rev. 02/18/2004)



2004 SEP -2 PM 12: 54

PATENT

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Chau-Jong WANG Conf.: 9845
Appl. No.: 09/989,490 Group: 1654
Filed: November 21, 2001 Examiner: M.V. Meller
For: METHOD TO COUNTER OXIDATION OF LDL,
DECREASE TRIGLYCERIDE OR CHLESTEROL AND
INHIBIT ATHEROSCLEROSIS USING HIBISCUS
SABDARIFFA EXTRACT

ASSERTION OF SMALL ENTITY STATUS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AUG 27 2004

Sir:

The above-identified application qualifies for small entity status. This written assertion of small entity status should satisfy the requirements of 37 C.F.R. § 1.27.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

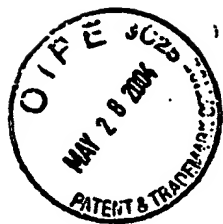
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Joe McKinney Muncy
Joe McKinney Muncy, #32,334

KM/MAA/csm

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s)



MS AF
REPLY UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1654
PATENT
4867-0101PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: WANG, Chau-Jong Conf.: 9845
Appl. No.: 09/989,490 Group: 1654
Filed: November 21, 2001 Examiner: M. V. Meller
For: METHOD TO COUNTER OXIDATION OF LDL,
DECREASE TRIGLYCERIDE OR CHOLESTEROL
AND INHIBIT ATHEROSCLEROSIS USING
HIBISCUS SABDARIFFA EXTRACT

REPLY UNDER 37 C.F.R. § 1.116

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 28, 2004

Sir:

In response to the Office Action issued on November 28, 2004,
the due date having been extended for three (3) months to May 28,
2004, the following amendments and remarks are respectfully
submitted.

This reply includes Amendments to the Claims and Remarks.

06/01/2004 CCHAU1 00000084 022448 09989490
01 FC:1253 950.00 DA

Adjustment date: 10/06/2004 SDIRETA1
06/01/2004 CCHAU1 00000084 022448 09989490
01 FC:1253 950.00 CR



1674
#

PATENT
3854-0102P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Chau-Jong WANG Conf.: 9845
Appl. No.: 09/989,490 Group: 1654
Filed: November 21, 2001 Examiner: M. Meller
For: METHOD TO COUNTER OXIDATION OF LDL,
DECREASE TRIGLYCERIDE OR CHOLESTEROL
AND INHIBIT ATHEROSCLEROSIS USING
HIBISCUS SABDARIFFA EXTRACT

RECEIVED
AUG 13 2003
TECH CENTER 1030

LARGE ENTITY TRANSMITTAL FORM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 11, 2003
(Monday)

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☐ The enclosed document is being transmitted via facsimile.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	5	-	20	=	0	\$ 18	\$0.00
INDEPENDENT	2	-	3	=	0	\$ 84	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						\$280	\$0.00
						TOTAL	\$0.00

08/12/2003 AKINDAF2 00000046 09989490

01 FC:1253

930.00 0P

Adjustment date: 10/06/2004 SDIRETA1
08/21/2003 GTRAHMEL 00000001 022448 09989490
01 FC:1253 930.00 CR



MS RCE
PATENT

4867-0101PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Chau-Jong WANG Conf.: 9845
Appl. No.: 09/989,490 Group: 1654
Filed: November 21, 2001 Examiner: M.V. Meller
For: METHOD TO COUNTER OXIDATION OF LDL,
DECREASE TRIGLYCERIDE OR CHOLESTEROL AND
INHIBIT ATHEROSCLEROSIS USING HIBISCUS
SABDARIFFA EXTRACT

REQUEST FOR CONTINUED EXAMINATION
UNDER 37 C.F.R. § 1.114

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 28, 2004

Sir:

This is a "Request for Continued Examination" under 37 C.F.R. § 1.114, the provisions of which do not apply to:

(1) A provisional application; (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) An international application filed under 35 U.S.C. §363 before June 8, 1995; (4) An application for a design patent; or (5) A patent under reexamination.

Submission of an RCE is limited to an application in which prosecution is closed; e.g. final rejection, Ex Parte Quayle; or notice of allowability

☒ This Request for Continued Examination is being filed prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted; (2) Abandonment of the application; or (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of civil action under 35 U.S.C. §§ 145 or 146, unless the appeal or civil action is terminated.

7/29/2004 JBALINAN 00000060 09989490

10/06/2004 SDIRETA1 00000005 09989490
01 FC:2801

385.00 OP

1 FC:1801

770.00 OP

Adjustment date: 10/06/2004 SDIRETA1
07/29/2004 JBALINAN 00000060 09989490
01 FC:1801 -770.00 OP

Repln. Ref: 10/06/2004 SDIRETA1 0010281700
DAN:022448 Name/Number:09989490
FC: 9204 \$385.00 CR



Corres. and Mail
BOX AF

MS AF
RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1654

PATENT
4867-0101PUS1

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Chau-Jong WANG Conf.: 9845
Appl. No.: 09/989,490 Group: 1654
Filed: November 21, 2001 Examiner: M.V. Meller
For: METHOD TO COUNTER OXIDATION OF LDL,
DECREASE TRIGLYCERIDE OR CHOLESTEROL AND
INHIBIT ATHEROSCLEROSIS USING HIBISCUS
SABDARIFFA EXTRACT

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 28, 2004

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated November 28, 2003 of the Primary Examiner finally rejecting claims 1, 5-7 and 14.

☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$950.00 is required for the full period of the above-requested extension of time.

☐ An extension of () month(s) for responding to the Final Rejection was previously requested and paid for on

06/01/2004 CCHAU1 00000036 09989490

01 FC:1401 330.00 OP
02 FC:1253 950.00 OP

10/06/2004 SDIRETA1 00000004 09989490

01 FC:2253 475.00 OP
02 FC:2401 165.00 OP

Adjustment date: 10/06/2004 SDIRETA1
06/01/2004 CCHAU1 00000036 09989490
01 FC:1401 -330.00 OP
02 FC:1253 -950.00 OP

Repln. Ref: 10/06/2004 SDIRETA1 0010265000
DAR:022448 Name/Number:09989490
FC: 9204 \$640.00 CR

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